



Snohomish County
Planning and Development Services

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MEMORANDUM

To: Snohomish County Planning Commission
From: David Killingstad, Principal Planner
Date: August 30, 2012
RE: Staff Report for the proposed ordinance titled:

RELATING TO THE URBAN CENTER ZONE AND RELATED FEES FOR PRE-APPLICATION MEETINGS, AMENDING CHAPTERS 30.21, 30.22, 30.25, 30.26, 30.27, 30.28, 30.34A, 30.43B, 30.71, 30.72, 30.91B, 30.91F, 30.91H, 30.91M, 30.91N, 30.91P, 30.91S, AND 30.91T OF THE SNOHOMISH COUNTY CODE AND REPEALING SCC 30.91M.135 AND 30.91P.340

This staff report is provided for your review in advance of a September 11, 2012, public hearing. The Department of Planning and Development Services (PDS) recommends approval of the attached ordinance.

Introduction

This is a non-project proposal to amend Snohomish County Code (SCC) title 30 to address several implementation issues with development regulations associated with the Urban Center (UC) zone. Specifically, the proposal would amend the following chapters 30.21, 30.22, 30.25, 30.26, 30.27, 30.28, 30.34A, 30.43B, 30.71, 30.72, 30.91A, 30.91B, 30.91F, 30.91H, 30.91M, 30.91N, 30.91P, 30.91S, and 30.91T SCC and repeal SCC 30.91M.135 and 30.91P.340.

Background

On May 12, 2010, the County Council adopted Amended Ordinance No. 09-079 Relating to Urban Center Design Standards. This ordinance established a new zoning classification, Urban Center (UC), and development regulations for developing property within the UC zone. These regulations replaced the Urban Center Demonstration Program, which was effective from 2001 to 2009.

Since the adoption of Amended Ordinance No. 09-079, PDS staff has been implementing the Urban Center development regulations. During this time a number of issues have surfaced that were not anticipated when drafting the Urban Center development regulations adopted by Amended Ordinance No. 09-079. In addition, PDS has received feedback from interested developers that portions of the code are complex, lack predictability and are a significant deterrent to development in the UC zone. As a result, PDS decided to initiate a code development project to address the above-mentioned concerns with the regulations.

Discussion

As noted above PDS staff has identified several problems implementing and interpreting the current Urban Center development regulations. These include:

- Regulations did not anticipate replacement signs
- Lack of clarity as to which regulations apply if a proposal is exempt from UC regulations
- Concerns about the scale of development that has to comply with all of the regulations
- All existing structures in the UC zone are currently non-conforming
- Certain uses that are appropriate within an Urban Center are not permitted
- Certain permitted uses upon further review are no longer appropriate in the UC zone
- Floor area ratios (FAR) are confusing and bonuses are not likely to be used depending on the size of the project
- Review process is perceived as a deterrent to development

Analysis

SCC 30.21A.025(1)(e) is proposed to be amended to read as follows:

(e) Urban Center (UC). The intent and function of the Urban Center zone is to implement the Urban Center designation on the future land use map by providing a zone that allows a mix of high-density residential, office and retail uses with public and community facilities and pedestrian connections, ~~((located within one-half mile of existing or planned stops or stations for high capacity transit routes such as light rail or commuter rail lines, regional express bus routes, or transit corridors that contain multiple bus routes or which otherwise provide access to such transportation as set forth in SCC 30.34A.085))~~ and whose location is dependent on access to the local and regional roadway and transit system.

The intent of the UC zone is modified to maintain consistency between the comprehensive plan and the definition of an Urban Center contained in title 30 SCC. The code is simplified to remove specific references to transit stop distance, transit technologies, and road classifications. The replacement language is more generalized and flexible.

SCC 30.22.010 is proposed to be amended to read as follows:

30.22.010 Purpose and applicability.

This chapter establishes which uses or types of uses are permitted, which require special approvals, and which are prohibited in the various county zones. Zones are grouped into four categories, as shown below, with each of the zones listed from left to right in increasing intensity of use in a matrix. Some uses have additional or special requirements that are listed by numbered reference notes in SCC 30.22.130. The categories and zones are as follows:

(1) Urban Zones - R-9,600, R-8,400, R-7,200, T, LDMR, MR, NB, PCB, CB, GC, FS, IP, BP, LI, HI, MHP, UC;

(2) Rural Zones - RD, RRT-10, R-5, RB, CRC, RFS, RI;

(3) Resource Zones - F, F&R, A-10, MC; and (4) Other Zones - SA-1, RC, RU, R-20,000, R-12,500, WFB.

For a description of each zone, see SCC 30.21.025.

This amendment adds the UC zone to the list of zones covered by the Urban Zone Categories Use Matrix.

SCC 30.22.100 is proposed to be amended as follows:

Add a new reference note (122) to the UC zone

A new reference note (122) is added to the UC zone and directs the reader to conditions regarding the outdoor storage of goods and materials. The text of reference note (122) appears below.

Delete reference note (86) from Auto Repair, Major, Auto Repair, Minor, Craft shop, Distillation of Alcohol, Fix-it Shop, Laboratory, Print Shop, Tire Store and Tools Sales and Rental

Existing reference note (86) is deleted from several permitted uses as it is superseded by the new reference note (122).

Add Farm Stand as a permitted use

The use is proposed to be added to assist with agriculture viability and it also can provide a community focal point.

Delete Greenhouses, Lathhouses & Nurseries: Retail and Motor Vehicle & Equipment Sales as permitted uses

Further research has determined that these uses are inconsistent with GPP Goal LU 3 and Policy LU 3.A.2. In addition, these uses are inconsistent with SCC 30.21.025(1)(e), the intent of the UC zone and SCC 30.91U.085 the definition of an urban center.

Add Storage Structure, Accessory Up to 2,400 sq ft and Storage Structure, Non-Accessory up to 2,400 sq ft as a permitted use

These uses are added to the UC zone. The limited scale would not preclude future intensification of a property and it provides additional economic flexibility to an existing property owner or new development.

Add Warehousing as a permitted use and add a new reference note (123)

Several existing warehouses are still within their building lifespan. The current market has seen a turnover of tenants in these locations. Property owners are finding it difficult to lease the space as they are currently non-conforming. This new reference note (123) would allow only existing constructed warehouses to be permitted. This revision allows the use of existing warehouses but also limits future warehouses as the use is generally inconsistent with GPP Goal LU 3, Policy LU 3.A.2, SCC 30.21.025(1)(e), the intent of the UC zone and SCC 30.91U.085 the definition of an urban center.

SCC 30.22.130 is proposed to be amended to read as follows:

Delete UC from reference note (23)

This reference note applies to motor vehicle sales. Motor vehicle sales are inconsistent with GPP Goal LU 3 and Policy LU 3.A.2. In addition, these uses are inconsistent with SCC 30.21.025(1)(e), the intent of the UC zone and SCC 30.91U.085 the definition of an urban center.

and the use is proposed to be deleted from the UC zone.

Add a new reference note (122)

(122) Products or merchandise offered for sale or storage by a business may be located outdoors provided that:

(a) The area occupied by the display shall not exceed 500 square feet; and

(b) Sidewalks shall not be enclosed as building space for sales or storage by fencing or other means that effectively limits public use of the sidewalk.

This new reference note pertains to outdoor storage for any use permitted in the UC zone. This note replaces reference note (86) which was too limiting for certain uses. A limited amount of outdoor storage is appropriate to maintain economic viability.

Add a new reference note (123)

(123) Warehousing is only permitted if it was legally established prior to May 29, 2010.

The new reference note (123) would allow only existing constructed warehouses as a permitted use. This limits inconsistency with GPP Goal LU 3 and Policy LU 3.A.2, SCC 30.21.025(1)(e), the intent of the UC zone and SCC 30.91U.085 the definition of an urban center.

SCC 30.25.031 is proposed to be added to read as follows:

30.25.031 Additional landscaping requirements for the UC zone.

In addition to the landscaping requirements contained in this chapter, development in the UC zone shall also comply with the following:

(1) When development is proposed on a parcel that abuts an R-9600, R-8400, R-7200, T or LDMR zone, a Type A landscaping buffer pursuant to SCC 30.25.017 is required. The buffer shall average 25 feet, but shall not be less than 15 feet at any given point. To the extent possible, existing vegetation and significant trees shall be retained within the required landscape buffer.

(2) Outside of a required landscape buffer, areas of a site not occupied by buildings, parking lots, other improvements or textured paving shall be planted with trees, shrubs, hedges, ground covers, and/or grasses, unless such areas consist of existing vegetation and significant trees to be retained.

(3) Landscaping and open space design shall be integrated with other functional and ornamental site design elements. This includes, but is not limited to, recreational facilities, plazas, playgrounds, ground paving materials, paths and walkways, fountains or other water features, trellises, pergolas, gazebos, fences, walls, street furniture, art, and sculpture.

(4) The landscape design shall complement and support the open space design, pedestrian circulation and building architecture.

(5) Street trees shall be planted along road network elements according to the road cross section and general landscaping standards of the EDDS. Street trees are not required at the end of roads that are less than 150 feet in length. Maintenance of street trees shall be the responsibility of the adjoining property owner.

(6) No landscape buffer is required abutting a developed railroad right-of-way.

The current landscaping regulations in chapter 30.34A SCC are relocated to chapter 30.25 SCC in an effort to group like regulations together. Chapter 30.25 SCC contains the county's landscaping regulations. Only minor wordsmithing changes are proposed.

SCC 30.26.032 is proposed to be added to read as follows:

30.26.032 Additional parking requirements for the UC zone.

In addition to the parking requirements contained in this chapter, developments in the UC zone shall also comply with the following:

(1) Development in the UC zone shall comply with the parking ratios established in SCC Table 30.26.032(1).

**Table 30.26.032(1)
Parking Ratios**

Use	Minimum	Maximum	Bicycle Parking
Restaurants	2 stalls/1000 net square feet	8 stalls/1000 net square feet	5 spaces minimum
Retail	2 stalls/1000 net square feet	4 stalls/1000 net square feet	5 spaces minimum
Office	2 stalls/1000 net square feet	4 stalls/1000 net square feet	5 spaces minimum
Residential (units >1000 sq ft each)	1.5 stalls per unit	2.5 stalls per unit	5 spaces minimum
Residential (units <1000 sq ft each)	1 stall per unit	1.5 stalls per unit	5 spaces minimum
Retirement Apartments or Retirement Housing	.5 stalls per unit	1 stall per unit	5 spaces minimum
All other uses	See SCC 30.26.032(5)		5 spaces minimum

(2) Parking shall be located within, under, behind, or to the side of buildings.

(3) Parking lots shall be landscaped pursuant to SCC 30.25.022.

(4) The number of parking garage entrances shall be minimized. Where feasible, entrances shall be located to the side or rear of buildings. Lighting fixtures within garages shall be screened from view from the street. Exterior architectural treatments for parking garages and structures and free-standing garage buildings shall satisfy the requirements of SCC 30.34A.095.

(5) A parking demand analysis by an independent consultant with expertise in parking demand analysis shall be required for uses not listed in SCC Table 30.26.032(1).

(6) An increase of up to 10 percent above the parking ratios in SCC Table 30.26.032(1) may be approved under SCC 30.34A.180 when historical data of a particular use indicates additional parking is necessary to properly serve a use or uses at a site.

(7) A reduction from the parking space requirements in SCC Table 30.26.032(1) may be approved under SCC 30.34A.180 if a shared parking study based on the either the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other study or report approved by the director is prepared by an independent consultant with expertise in performing shared parking studies. In order to approve a reduction, the study shall demonstrate that the development will result in a more efficient use of parking provided the combined peak parking demand is less than that required in SCC Table 30.26.032(1). The number of spaces required for an approved shared parking plan shall be based on the number of spaces estimated to meet the combined use peak parking demand.

The current parking regulations in chapter 30.34A SCC are relocated to chapter 30.26 SCC in an effort to group like regulations together. Chapter 30.26 SCC contains the county's parking regulations. The regulations are also modified to replace senior housing with retirement housing and retirement apartments; both of these terms are defined and used in other parking regulations. Regulations pertaining to parking structure design are retained within a new section of chapter 30.34A SCC.

SCC 30.27.047 is proposed to be added to read as follows:

30.27.047 Additional sign requirements for the UC zone.

In addition to the requirements contained in this chapter and chapter 30.52A SCC, developments in the UC zone shall also comply with the requirements of this section and SCC Table 30.27.047. The purpose of this section is to permit businesses to inform, identify, and communicate effectively while requiring appropriate design, scale, and placement of signs.

(1) Signs shall be designed and placed to minimize their light and glare impacts on surrounding uses.

(2) Reader boards and signs whose display can be electronically or mechanically changed by remote or automatic means are prohibited. Changeable copy by non-electronic means may be utilized on any permitted sign.

(3) Any sign that does not conform to this section is a non-conforming sign. The following requirements shall apply instead of the requirements of SCC 30.28.070, SCC 30.28.072 and SCC 30.28.075:

(a) Temporary signage shall not be considered non-conforming signage under this section.

(b) A non-conforming sign shall not be altered, modified or reconstructed except:

(i) When such alteration, modification or reconstruction would bring such sign into conformity with these regulations;

(ii) When such alteration, modification or reconstruction is necessary because the existing use has new ownership which results in a change in the name or logo of the use or business on the property, and such change complies with SCC 30.27.047(3)(c);

(iii) When the space is re-occupied by a similar use and the new occupant requires no external building or site renovation, and such change complies with SCC 30.27.047(3)(c); or

(iv) When a sign is accidentally or intentionally destroyed and the sign is reconstructed exactly as it was and in the same location prior to being destroyed.

(c) Any alteration, modification or reconstruction permitted under SCC 30.27.047(3)(b)(ii) or (iii) shall be limited to the replacement of a sign panel, and individual letters and logos within the same area or repainting a sign face. No changes to the structure, framing, erection or relocation of the sign are permitted.

(4) Whenever any sign, either conforming or non-conforming to these regulations, is required to be removed for the purpose of repair, re-lettering or repainting, the work may be done without a permit provided that all of the following conditions are met:

(a) There is no alteration or remodeling to the structure or the sign mount itself;

(b) There is no enlargement or increase in any of the dimensions of the sign or its structure;

(c) The sign is accessory to a permitted, conditional or nonconforming use; and

(d) The requirements of chapter 30.52A SCC are met.

(5) If a sign design scheme was approved for the property that sign design scheme shall govern any future new or replacement signs.

Table 30.27.047(1)
Urban Center Zone Sign Regulations

Sign Type	Sign Description	Number of Signs Permitted	Maximum Height (feet)	Maximum Area Per Sign Face (sq feet)	Other Requirements
Freestanding, Pole, or Pylon	Not attached to a building, has its own support structure such as poles and is typically secured to a foundation	One per urban center development	25	60	<ul style="list-style-type: none"> Utilize materials and architectural design elements that are consistent with the architecture of the buildings and have a substantial base that is at least half as wide and thick (measured horizontally) as the sign itself If the whole sign face is illuminated, then the background color shall be darker than the lettering and logo to avoid glare The base shall be planted with shrubs or seasonal flowers in accordance with SCC 30.25.015(5) and (6)
Monument or Ground	Supported by and integrated with a solid base, as opposed to poles, posts, or other such supports	One per public road fronting the urban center development	25	40	<ul style="list-style-type: none"> Utilize materials and architectural design elements that are consistent with the architecture of the buildings and have a substantial base that is at least half as wide and thick (measured horizontally) as the sign itself If the whole sign face is illuminated, then the background color shall be darker than the lettering and logo to avoid glare The base shall be planted with shrubs or seasonal flowers in accordance with SCC 30.25.015(5) and (6)
Building-Mounted, Wall or Fascia	Attached flush with a building and is only visible from one side	One per façade that is visible from a road, drive aisle or customer parking lot	Not applicable	20	<ul style="list-style-type: none"> Utilize materials and architectural design elements that are consistent with the architecture of the buildings Shall be centered, proportional and shaped to the architectural features of the buildings Shall not cover windows, building trim, or ornamentation including areas between vertical piers or columns, blank areas on a gabled roof, or upper reaches of a false-fronted building Shall be mounted plumb with the building with a maximum protrusion of one foot unless the sign incorporates sculptural elements or architectural devices The sign frame shall be concealed or integrated into the building's architectural character in terms of form, color, and materials The sign and sign supports shall not extend more than 10 feet higher than the highest point of the principal building. No sign and sign supports shall exceed the maximum building height of the UC zone

Sign Type	Sign Description	Number of Signs Permitted	Maximum Height (feet)	Maximum Area Per Sign Face (sq feet)	Other Requirements
Accessory, directional, directory or regulatory	Attached flush with a building, only visible from one side and is secondary to a wall sign. Examples include menu boards, hours of operation, directory, directional and signs concerning rules, ordinances, or laws	The number shall be determined by the property owner	Not applicable	4	<ul style="list-style-type: none"> • Shall be designed consistent with the architecture of the buildings • Shall be proportional and shaped to the architectural features of the buildings • Shall not cover windows, building trim, or ornamentation including blank areas above canopies, areas between vertical piers or columns, blank areas on a gabled roof, or upper reaches of a false-fronted building • Shall be mounted plumb with the building, with a maximum protrusion of 6 inches
Awning, Canopy or Marquee	Mounted on or underneath a canopy, awning, or marquee	One per business	Not applicable	8	<ul style="list-style-type: none"> • Shall be designed consistent with the architecture of the buildings • Shall maintain a minimum clearance of 8 feet between the walkway and the bottom of the sign
Window	Painted on or attached to a window and is visible to pedestrian or vehicular traffic	See maximum area per sign face	Not applicable	25% of the area of a window and the total area of all window signs, including both permanent and temporary, shall not exceed 50% of the window area	No additional requirements
Portable	Not affixed to a structure or the ground (e.g., A-frame or sandwich-board signs)	One per business	4	8	<ul style="list-style-type: none"> • Signs shall be located within 20 feet of the applicable building entrance • Signs shall be located to maintain at least 8 feet of horizontal clearance on the sidewalk for pedestrian movement • Signs shall be removed during non-business hours • Portable signs shall not be illuminated

The current sign regulations in chapter 30.34A SCC are relocated to chapter 30.27 SCC in an effort to group like regulations together. Chapter 30.27 SCC contains the county's sign regulations. The regulations are modified to address several issues including replacement of an existing sign and non-conforming signs. The regulations are also simplified for easier interpretation and application and are intended to be content neutral.

SCC 30.28.072 is proposed to be amended to read as follows:

30.28.072 Nonconforming uses.

(1) *Continuance: Any legally established nonconforming use may be continued subject to the provisions of this section.*

(2) *Changes: Nonconforming uses may only be changed to other uses that are allowed by this title in the zone within which the nonconforming use is located.*

(3) *Abandonment: If a nonconforming use is abandoned or discontinued for a period of 12 consecutive months or more, the nonconforming status of the use is terminated, and any future use of the land or structures shall be in conformity with the provisions of this title. The mere presence of a structure, equipment, or material shall not be deemed to constitute the continuance of a nonconforming use unless the structure, equipment, or material is actually being occupied or employed in maintaining such use.*

(4) *Expansion: A nonconforming use may be expanded upon approval of an administrative conditional use permit. The department may impose conditions upon the expansion of the use to minimize impacts and ensure compatibility with nearby existing and potential uses. A nonconforming use may be expanded if the department determines that the following criteria are met:*

(a) *The area proposed for expansion is contiguous to the nonconforming use;*

(b) *The area is held under the same ownership as the land with the nonconforming use and has been so owned since immediately prior to the time the use has become nonconforming;*

(c) *The area for expansion is an area where the use would have been allowed immediately prior to the time the use became nonconforming;*

(d) *The expansion shall not increase the ~~((land))~~ ground area devoted to the nonconforming use by more than 100 percent of that in use at the effective date of the nonconformance~~((:))~~, except that within the UC zone the expansion shall not increase the ground area devoted to the nonconforming use by more than 10 percent of that existing at the effective date of the nonconformance;*

(e) *The expansion shall not increase the ground area covered by the structural portion of the nonconforming use by more than 100 percent of that existing at the effective date of the nonconformance~~((:))~~, except that within the UC zone the expansion shall not increase the ground area covered by the structural portion of the nonconforming use by more than 10 percent of that existing at the effective date of the nonconformance;*

(f) *The expansion shall not be approved if it is found to be detrimental to surrounding properties, or to the implementation of the adopted comprehensive land use plan for the area; ~~((and))~~*

(g) *The expansion shall not be granted if it would result in a significant increase in the intensity of the use of the nonconformity ~~((:))~~;*

(h) *Within the UC zone reconstruction of a destroyed non-conforming use is not permitted unless it complies with the requirements of chapter 30.34A SCC; and*

(i) *Ground area includes, but is not limited to, paved surface parking and enclosed outdoor storage areas and enclosed outdoor service areas.*

The current non-conforming use regulations allow an expansion that is inconsistent with the Urban Center objectives. A modest amount of expansion is more reasonable to balance economic interests and maintenance of property with a desire to transition away from these uses over the long term. A

new regulation is proposed to require that a destroyed nonconforming use meet the UC zone regulations. This is an attempt to transition away from uses that are incompatible with the goals, objectives, and policies for Urban Centers.

SCC 30.34A.010 is proposed to be amended to read as follows:

30.34A.010 Purpose and applicability.

~~((This chapter regulates development in the Urban Center (UC) zone. This chapter sets forth procedures and standards to be followed in applying for any required permits and for building in this zone. The standards outlined in this chapter are meant to encourage higher density transit- and pedestrian-oriented development that provides a mix of uses and encourages high quality design. The standards outlined in this chapter shall not apply to the following:~~

- ~~— (1) Interior alterations that do not alter the exterior appearance of a structure or modify an existing site condition;~~
- ~~— (2) Site and exterior alterations that do not exceed 75 percent of the assessed valuation (building or land) according to the most recent county assessor records;~~
- ~~— (3) Building additions that are less than 10 percent of the existing floor area of the existing building(s). Any cumulative floor area increase (after the adoption date of this chapter) that totals more than 10 percent shall not be exempt unless approved pursuant to SCC 30.34A.180;~~
- ~~— (4) Normal or routine building and site maintenance or repair that is exempt from permit requirements;~~
- ~~— (5) Any remodeling or expansion of existing single-family residences with no change in use or addition of dwelling units involved;~~
- ~~— (6) Reconstruction of a single-family residence if it is destroyed due to fire or natural disaster.))~~

(1) This chapter establishes regulations, design standards and review procedures for development in the UC zone.

(2) The regulations and design standards established in this chapter promote higher density transit- and pedestrian-oriented development consistent with SCC 30.21.025(1)(e).

(3) The provisions of this chapter apply to any property that is zoned UC on the Snohomish County Official Zoning Map, unless specifically exempted in SCC 30.34A.010(4).

(4) This chapter does not apply to:

- (a) Personal wireless communications facilities which are regulated under chapter 30.28A SCC;
- (b) Nonconforming uses which are regulated under SCC 30.28.072.

(5) If there is a conflict between the regulations in this chapter and other sections of title 30 SCC, the regulations in this chapter shall control.

The current language is unclear as to which types of development the UC regulations apply to. In addition, there is no guidance regarding applicable development regulations for activities exempt from chapter 30.34A SCC. In response, the exemptions are relocated and broken into two new sections pertaining to minor development activities and expansions of existing uses.

SCC 30.34A.025 is proposed to be added to read as follows:

30.34A.025 Minor development activities.

(1) Minor development activities include:

- (a) Interior alterations to an existing structure including, but not limited to, alterations needed to repair damage.
- (b) Exterior alterations to an existing structure including, but not limited to, alterations needed to repair damage.
- (c) Normal or routine structure and site maintenance or repair, including re-paving and striping parking lots.

- (d) Reconstruction of a structure within the same building footprint if the structure is accidentally destroyed.
- (e) Replacement, modification, extension, installation and construction of utility facilities, transmission wires, pipes and supports permitted in the UC zone.
- (f) Construction of the following temporary or seasonal uses or structures:
 - (i) Temporary dwelling during construction;
 - (ii) Temporary residential sales coach;
 - (iii) Temporary dwelling for a relative;
 - (iv) Farm stands, when in operation for less than 9 months annually;
 - (v) Christmas tree sales lots; and
 - (vi) Firework stands.
- (g) Construction of public parks or regional trails.
- (i) Home occupations that comply with SCC 30.28.050.
- (j) Felling or topping of hazardous trees based on review by a qualified arborist.
- (k) Minor replacement, modification or installation of drainage, water quality or habitat enhancement projects.
- (l) Sign permits.
- (2) Minor development activities shall meet the following requirements:
 - (a) The UC zone bulk regulations in chapter 30.23 SCC; and
 - (b) Any other applicable regulation in title 30 SCC.
- (3) Minor development activities shall not be subject to the floor area ratios in SCC 30.34A.030.
- (4) Permit or land use approval applications for minor development activities shall be processed pursuant to SCC 30.34A.180(1).

A new section is proposed to provide greater clarity on the types of activities exempt from chapter 30.34A SCC and which regulations apply. This section includes minor development activities such as routine interior and exterior maintenance. Allowance of these minor development activities supports economic activity. Activities falling under this section are required to meet the bulk requirements for the UC zone and any other applicable regulations in title 30 SCC (building codes, NPDES, critical areas). They are not subject to the FAR requirements and are proposed to be approved administratively.

SCC 30.34A.026 is proposed to be added to read as follows:

30.34A.026 Expansion of existing structures containing a permitted use.

Permit or land use approval applications for the expansion of a permitted use shall be processed pursuant to SCC 30.34A.180(1) if the expansion satisfies the following requirements.

- (1) *The total square feet of the expansion shall not exceed, either:*
 - (a) *The thresholds in SCC 30.61.035; or*
 - (b) *10 percent of the existing gross floor area. Any future increase in gross floor area beyond the initial 10 percent shall be subject to all of the provisions in this chapter.*
- (2) *The expansion shall not create non-conformity with the existing regulations.*
- (3) *The existing structure and the expansion shall meet the following requirements:*
 - (a) *The minimum setbacks and height in SCC 30.22.030 and SCC 30.22.041.*
 - (b) *The parking standards in SCC 30.26.032. If there are existing parking spaces in excess of the maximum permitted, the parking spaces may remain. The creation of new parking spaces in excess of the maximum shall not be permitted.*
 - (c) *The design standards in SCC 30.34A.100 through SCC 30.34A.160.*
 - (d) *The access and circulation requirements of chapter 30.24 SCC.*
 - (e) *The sign requirements of chapter 30.27 SCC.*
 - (f) *The requirements of chapter 30.66B.*
- (4) *Expansion of an existing structure containing a permitted use shall not be subject to the minimum floor area ratio in SCC 30.34A.030.*

A new section is proposed to provide greater clarity on the expansion of existing structures (formerly located within the purpose and applicability section). The proposed new section would allow an expansion of an existing structure containing a permitted use by up to 10% or the current SEPA exemption levels, whichever is greater. Allowance of these expansions supports economic activity while not precluding future intensification of the property. Activities falling under this section are required to meet the bulk requirements, parking standards, design standards, and sign regulations for the UC zone. In addition, they must meet any other applicable regulations in title 30 SCC (building codes, NPDES, critical areas). They are not subject to the FAR requirements and are proposed to be approved administratively.

SCC 30.34A.030 is proposed to be amended to read as follows:

30.34A.030 Floor area ratios.

~~((Floor-to))~~ The floor area ratios (FAR) required in the UC zone are established in ~~((accordance with))~~ SCC Table 30.34A.030(1). ~~((Additional FAR is allowed in accordance with the bonuses as set forth in SCC Table 30.34A.030(2) and SCC Table 30.34A.030(3);))~~

**Table 30.34A.030(1)
Floor to Area Ratios**

	Minimum	Maximum	Maximum allowable with bonus (Table ((30.34A.030(2)))) 30.34A.035(1))	((Maximum allowable with super bonus (Table 30.34A.030(3))))
((Non-Residential))	((-.5))	((1.0))	((1.5))	((2.5))
((Residential))	((-.5))	((1.0))	((1.5))	((2.5))
Mixed Use	((1.0)) 0.5	((2.0)) 1.0	((3.0)) 3.75	((5.0))
((Ground Floor Retail))	((-.25))	((2.0))	((2.25))	((5.0))
All other development	0.5	0.75	2.50	

~~((Notes:~~

- ~~1. Allowable FAR for non-residential and residential uses may be added together within a development for a combined total.~~
- ~~2. Hotels are considered residential for the purpose of this chart.~~
- ~~3. "Mixed-use" means residential and non-residential uses located within the same building unless, for purposes of this section, the development proposal includes more than three buildings. To be eligible for the FAR for "mixed use" in development proposals that consist of three buildings or less the entire first floor of a proposed building must be devoted to retail use; or at least one-half of the first floor must be devoted to retail use and double the non-retail area of the first floor must be assigned to retail use on other floors within the building. In order to be eligible for the FAR for "mixed use" for development proposals that consist of more than three buildings, the proposed development may include buildings that are devoted to a single use as long as there is a mixture of uses in the development as a whole (e.g. two residential use buildings and two non-residential buildings).~~
- ~~4. It is the intention of the Council that an applicant may utilize the FAR super bonus for a feature listed in Table 30.34A.030(3) only after using one of the features listed in Table 30.34A.030(2);))~~

(2) Additional FAR is allowed in accordance with the bonuses established in SCC 30.34A.035;

(3) For purposes of SCC Table 30.34A.030(1), an Urban Center development shall be considered "Mixed-use" when the development contains:

(a) Four or more buildings where at least two of the buildings contain residential uses only and two of the buildings contain non-residential uses only; or

(b) Three or less buildings in which the entire first floor of at least one of the proposed buildings is devoted to non-residential uses.

**((Table 30.34A.030(2)
Floor Area Ratio Bonuses**

Feature	Additional Floor Area for Each Feature
<ul style="list-style-type: none"> • Street Level Commercial • Green roof (not to be combined with district energy bonus) • Daycare • Rooftop Solar Panels (not to be combined with district energy bonus) • Community gardens for use by residents • Structured Parking that is set back from the street by 100 feet or more or is appropriately screened from the streetscape • Affordable housing pursuant to subsection 3 of this section. • One Transfer of Development Rights (TDR) credit. In the alternative, this bonus would be available upon payment in lieu of TDR credit. The bonus shall be determined pursuant to subsection 2 of this section. 	<ul style="list-style-type: none"> • 250 sf of floor area for each linear foot of retail frontage • 5 sf of floor area for each sf of green roof • 5 sf of floor area for each sf of daycare • 10 sf of floor area for each sf of solar panel • 10 sf of floor area for each sf of community garden • .5 FAR for 80% or greater of required parking contained in a structure • Affordable housing area up to 15% of the entire project area shall not be included in the calculation of FAR and shall be used to calculate a bonus of 5 sf for each square foot of affordable housing • 2,000 square feet

**Table 30.34A.030(3)
Floor Area Ratio Super Bonuses**

Feature	Additional Floor Area for Each Feature
<ul style="list-style-type: none"> • One percent of total construction cost for public art • One Transfer of Development Rights (TDR) credit. In the alternative, this bonus would be available upon payment in lieu of TDR credit. The bonus shall be determined pursuant to subsection 2 of this section. • District Energy System 	<ul style="list-style-type: none"> • .2 FAR • 2,000 square feet • 1 FAR

Notes:

- ~~1. Public art is a fountain, sculpture, painting, mural, or similar object that is sited within a planned development as a focal point and is intended for the enjoyment of the general public. It does not contain characteristics of an advertising sign or identify or draw attention to a business.~~
- ~~2. A district energy system is a central facility that produces energy for the district or urban center and supplies it to a group of buildings or facilities, typically in the form of hot water, steam or chilled water. Forms of renewable energy that could be used include biomass (such as wood waste), geothermal power, and waste heat from industrial facilities.~~

~~—(2)~~

~~(a) Credits used for the TDR density bonus offered in urban centers must be certified through the Snohomish County Transfer of Development Rights program as authorized in Chapters 30.35A and 30.35B of the SCC.~~

~~—(b) To receive the additional floor area bonus with the use of TDR credit, the applicant must submit proof of the TDR credit purchase or the appropriate payment in lieu of TDR credit with the application.~~

~~—(c) If the applicant chooses to pay in lieu of using a TDR credit, the amount of the payment shall be \$21 per square foot of bonus floor area. This payment shall be reviewed at least once every two years and may be adjusted by ordinance.~~

~~—(3)~~

~~(a) For purposes of this section, affordable housing is leased, rental or owner-occupied housing that has gross housing costs which do not exceed 30 percent of the gross income of individuals or families with household income not to exceed 80 percent of the county median income.~~

~~(b) Gross housing costs for owner-occupied housing include mortgages, amortization, taxes, insurance and condominium or association fees, if any. Gross housing costs for leased and rental units include rent and utilities.~~

~~(c) To be eligible for the affordable housing FAR bonus, the applicant shall record with the Snohomish County Auditor an agreement in a form approved by the county requiring affordable housing square footage that is provided under this section to remain affordable housing for the life of the project. This agreement shall be a covenant running with the land, binding on the assigns, heirs, and successors of the applicant.))~~

The current floor area ratios do not reflect current and future market conditions and do not encourage the use of FAR bonuses. Also, the four types of development listed in the current table have created confusion for prospective developers especially if the project does not meet the criteria for mixed use but includes both residential and non-residential uses. Lastly, the current two-tier system of FAR bonuses limits flexibility for a property owner wishing to maximize building floor area.

The proposed amendments consolidate the table into two categories of development: mixed use and everything else. The minimum and bonus FAR for mixed use along with the bonus FAR for all other development are modified to reflect market conditions. The maximum FAR is modified for both categories to encourage use of the bonuses. The proposed amendments also consolidate the FAR bonuses into one category to increase flexibility. Lastly, the proposed amendments relocate the FAR bonuses into a new section to improve readability and make it easier to amend in the future.

SCC 30.34A.035 is proposed to be added to read as follows:

30.34A.035 Floor area ratio bonuses.

(1) The FAR bonuses are established in SCC Table 30.34A.035(1). The bonuses established in SCC Table 30.34A.035(1) may be used in combination with each other, but may not exceed the maximum allowable bonus established in SCC Table 30.34A.030(1).

**Table 30.34A.035(1)
Floor Area Ratio Bonuses**

<i>Feature</i>	<i>Additional Bonus Floor Area for Each Feature</i>
<i>Above or Below Grade Structured Parking</i>	<i>0.5 FAR for over 75% of required parking contained in a structure</i>
	<i>0.25 FAR for 50% to 75% of required parking contained in a structure</i>
<i>Affordable Housing pursuant to SCC 30.34A.035(2)</i>	<i>5 sf of floor area for each sf of affordable housing</i>
<i>Community Gardens for use by residents</i>	<i>10 sf of floor area for each sf of community garden</i>
<i>Covered Civic Space pursuant to SCC 30.34A.035 (5)</i>	<i>5 sf of floor area for each sf of covered civic space</i>
<i>Daycare</i>	<i>5 sf of floor area for each sf of daycare</i>
<i>Green Roof pursuant to SCC 30.34A.035(6)</i>	<i>5 sf of floor area for each sf of green roof</i>
<i>One Percent of Total Construction Cost for Public Art</i>	<i>0.2 FAR with an additional 0.2 FAR for each one percent of the total construction cost for public art</i>
<i>Public Plaza pursuant to SCC 30.34A.035(4)</i>	<i>5 sf of floor area for each sf of public plaza</i>
<i>Rooftop Solar Panels</i>	<i>10 sf of floor area for each sf of solar panel</i>
<i>Transfer of Development Right (TDR) credit pursuant to SCC 30.34A.035(3)</i>	<i>10,000 square feet for each TDR credit from farmland or 5,000 square for each TDR credit from land use designations other than farmland</i>

(2) Affordable housing FAR bonus is allowed when:

(a) Affordable housing is leased, rental, or owner-occupied housing that has gross housing costs which do not exceed 30 percent of the gross income of individuals or families with household income not to exceed 80 percent of the county median income.

(b) Gross housing costs for owner-occupied housing include mortgage principal, interest, property tax, hazard insurance and condominium or association fees. Gross housing costs for leased and rental units include rent and utilities.

(c) The applicant records a covenant approved by the department. The covenant shall require the square footage designated for affordable housing to remain affordable housing until such time as the property is redeveloped.

(3) Transfer of development rights FAR bonus shall meet the following requirements:

(a) Credits used shall be certified through the Snohomish County Transfer of Development Rights program authorized in chapters 30.35A and 30.35B SCC.

(b) To receive the additional FAR bonus with the use of TDR credit, an applicant shall submit documentation of the TDR credit purchase or the appropriate payment in lieu of TDR credit with the Urban Center development application.

(c) If the applicant chooses to pay in lieu of using a TDR credit, the amount of the payment shall be \$21 per square foot of bonus floor area.

(4) The public plaza shall be located at a building entry, on a street corner, or other location that is visible and accessible from either a public sidewalk or pedestrian connection. No dimension shall be less than 20 feet, and total usable space is to be no less than 500 square feet, not including adjacent public right-of-way. This space shall be available to the public at least for the period between 7:00 a.m. and dusk.

(5) The covered civic space shall be available for public gatherings, meetings, and recreational events. The total useable space shall be a minimum of 1,000 square feet.

(6) Green roofs shall be designed to increase on-site water retention, reduce urban runoff and heat island effect.

A new section is added that contains the FAR bonuses. The current two-tier system of FAR bonuses is consolidated to avoid creating an economic hardship for a property owner wishing to maximize building floor area. In addition, to remain consistent with the proposed TDR policy amendments, a new category is added and the amount of square footage that one credit is worth is changed.

SCC 30.34A.040 is proposed to be amended to read as follows:

30.34A.040 Building height ((and setbacks)).

(1) The maximum building height in the UC zone shall be 90 feet. A building height increase up to an additional ~~((90))~~ 35 feet may be approved under SCC 30.34A.180 when the ~~((additional height is documented to be necessary or desirable when))~~ the project is located ~~((near))~~ within one-eighth mile of a high capacity transit ((route or)) station, major transit corridor or transit center and the applicant prepares ~~((an))~~ a project specific environmental impact statement pursuant to chapter 30.61 SCC ~~((that includes an analysis of the environmental impacts of the additional height on, at a minimum:~~

- ~~— (a) aesthetics;~~
- ~~— (b) light and glare;~~
- ~~— (c) noise;~~
- ~~— (d) air quality; and~~
- ~~— (e) transportation)).~~

(2) ~~((a) Buildings))~~ New buildings or portions of new buildings that are located within ~~((180))~~ 90 feet of ~~((adjacent))~~ R-9600, R-8400, R-7200, T or LDMR zoning ~~((must))~~ shall be scaled down and limited in building height to a height that represents half the distance the building or that portion of the building is located from the ~~((adjacent))~~ R-9600, R-8400, R-7200, T or LDMR zoning line ~~((e.g. a building or portion of a building that is 90 feet from R-9600, R-8400, R-7200, T or LDMR zoning may not exceed 45 feet in height)))~~.

~~((b)))~~ (3) Where the UC zoning line abuts a critical area protection area and buffer ~~((or))~~ , utility easement at least 20 feet wide, railroad, ((public or private road)) right-of-way or private road, building heights shall not be subject to the limitation in ~~((section (2)(a)))~~ SCC 30.34A.040(2) if the critical area protection area and buffer or utility easement, railroad, ~~((public or private road))~~ right-of-way or private road provides an equal or greater distance between the building(s) and the zoning line than would be provided in ~~((this subsection (2)(a)))~~ SCC 30.34A.040(2).

(4) All ground floor residential units ~~((facing a public street must))~~ in a building placed on a site where the building front is five feet or less from a public road shall maintain a minimum structural ceiling height of 13 feet to provide the opportunity for future conversion to nonresidential use.

~~((3) Excluding weather protection required in SCC 30.34A.150, buildings must be setback pursuant to SCC Table 30.34A.040(4).))~~

**((Table 30.34A.040(4)
Setbacks))**

((Front	None
Side	None
Rear	None))

The proposed amendments would reduce the amount of increase in maximum building height allowed when an environmental impact statement is completed from 90 feet to 35 feet. The potential maximum building height would be 125 feet. Additionally, the maximum height is further modified to restrict the tallest buildings to the core of the Urban Center nearest to the transit station/stop/route. These

changes reduce compatibility issues on the edges of the UC zone, particularly where it abuts single family zoning. The setbacks are proposed to be removed as this information is duplicated in the bulk matrix.

SCC 30.34A.050 is proposed to be amended to read as follows:

30.34A.050 Parking ((ratios, parking locations and parking lot and structure design)).

~~((1) Development in the UC zone must comply with the parking ratios established in SCC Table 30.34A.050(1)).~~

**Table 30.34A.050(1)
Parking Ratios**

Use	Minimum	Maximum	Bicycle Parking
Restaurants	2 stalls/1000 nsf	8 stalls/1000 nsf	2 spaces minimum
Retail	2 stalls/1000 nsf	4 stalls/1000 nsf	2 spaces minimum
Office	2 stalls/1000 nsf	4 stalls/1000 nsf	2 spaces minimum
Residential (units >1000 sq ft each)	1.5 stalls per unit	2.5 stalls per unit	2 spaces minimum
Residential (units <1000 sq ft each)	1 stall per unit	1.5 stalls per unit	2 spaces minimum
Senior Housing	.5 stalls per unit	1 stall per unit	2 spaces minimum
All other uses	See SCC 30.34A.050(5)		2 spaces minimum

~~(2) Parking must be located under, behind or to the side of buildings.~~

~~(3) Parking lots must be landscaped pursuant to SCC 30.25.022.~~

~~— (4) Parking garage entrances must be minimized, and where feasible, located to the side or rear of buildings. Lighting fixtures within garages must be screened from view from the street. Exterior architectural treatments must complement or integrate with the architecture of the building through the provision of architectural details such as:~~

- ~~— (a) window openings;~~
- ~~— (b) plantings designed to grow on the façade;~~
- ~~— (c) louvers;~~
- ~~— (d) expanded metal panels;~~
- ~~— (e) decorative metal grills;~~
- ~~— (f) spandrel (opaque) glass; and~~
- ~~— (g) any other architectural detail approved under SCC 30.34A.180 that reduces and softens the presence of above ground parking structures.~~

~~— (5) Uses not listed in Table 30.34A.050(1) must undergo a parking demand analysis by an independent consultant with expertise in parking demand analysis to ensure no more than the necessary amount of parking is provided. An increase of up to 20 percent above the estimated parking demand may be approved under SCC 30.34A.180 when historical data of a particular use indicate additional parking is necessary to properly serve a use or uses at a site.~~

~~— (6) A reduction from the parking space requirements as specified in SCC Table 30.34A.050(1) may be approved under SCC 30.34A.180 if a shared parking study based on the either the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved procedures is prepared by an independent consultant with expertise in performing shared parking studies. The study must demonstrate that the development will result in a more efficient use of parking provided the combined peak parking demand is less than that required in SCC Table 30.34A.050(1). The number of spaces required for an approved shared parking demand: Parking shall comply with the requirements of chapter 30.26 SCC.~~

The current parking regulations in chapter 30.34A SCC are relocated to chapter 30.26 SCC in an effort to group like regulations together. Chapter 30.26 SCC contains the county's parking regulations. Regulations pertaining to parking structure design are retained within a new section of chapter 30.34A SCC.

SCC 30.34A.060 is proposed to be amended to read as follows:

30.34A.060 Landscaping.

~~((In addition to the landscaping requirements contained in SCC 30.25.015, 30.25.017, 30.25.023, 30.25.043 and 30.25.045, requirements for developments in the UC zone are as follows:~~

~~— (1) Where a development abuts an R-9600, R-8400, R-7200, T or LDMR zone, a Type A landscaping buffer pursuant to SCC 30.25.017 averaging 25 feet, but not less than 15 feet must be provided. Where appropriate, existing vegetation and significant trees must be retained within the landscaping buffer.~~

~~— (2) Areas of a site not occupied by buildings, parking lots, other improvements or textured paving must be intensively planted with trees, shrubs, hedges, ground covers, and/or grasses, unless such area consists of attractive existing vegetation and significant trees to be retained. Perennials and annuals are encouraged.~~

~~— (3) Landscaping must be integrated with other functional and ornamental site design elements, where appropriate, such as recreational facilities, ground paving materials, paths and walkways, fountains or other water features, trellises, pergolas, gazebos, fences, walls, street furniture, art, and sculpture.~~

~~— (4) The landscape design must reinforce and support the open space design, pedestrian circulation and building architecture.~~

~~— (5) Street trees must be planted along public and private roads and drive aisles according to the road cross section and general landscaping standards of the EDDS. Street trees are not required around turnarounds at the end of roads less than 150 feet in length. Maintenance of street trees must be provided pursuant to SCC 30.25.015(9).~~

~~— (6) No landscape buffer is required along or from a developed railroad right-of-way.)) Landscaping shall comply with the requirements of chapter 30.25 SCC.~~

The current landscaping regulations in chapter 30.34A SCC are relocated to chapter 30.25 SCC in an effort to group like regulations together. Chapter 30.25 SCC contains the county's landscaping regulations.

SCC 30.34A.070 is proposed to be amended to read as follows:

30.34A.070 Open space.

(1) All developments in the UC zone ((~~must~~)) shall have a coherent, clearly defined integrated open space network that links together the various open spaces within the project.

(2) All developments ((~~must~~)) shall provide a minimum amount of open space at a rate of 150 square feet per residential unit and 2 percent of the floor area of non-residential development (excluding parking) ((,at)) .

(3) At least 50 percent of ((which must)) the open space required under SCC 30.34A.070(2) shall be ((accessible to the public as an)) for active recreation ((area)). ((At least 25 percent of the required active recreation area must be located on a single tract. Those portions of required sidewalks that abut an active recreation area may be counted toward the 50 percent active recreation open space requirement.))

(4) A minimum of 25 percent of area required for active recreation shall be consolidated in one location within the development.

~~((3))~~ (5) ((On-site recreational open space for residential and non-residential developments must be designed and improved to allow one or more active uses.)) Active ((uses)) recreation includes:

- (a) Playgrounds developed with children's play equipment;
- (b) Outdoor ~~or~~ indoor sports courts (such as volleyball, basketball or tennis courts), swimming pools, and similar facilities;
- (c) Picnic areas with permanent tables, benches or gazebos;
- (d) Community gardens for use by residents;
- (e) Improved trails or paths not otherwise required to provide pedestrian connections including those within critical area buffers provided they meet the requirements of chapter 30.62A SCC;
- (f) Plaza;
- (g) Courtyard;
- (h) Forecourt; ~~((or))~~
- (i) Rooftop garden; ~~((and))~~ or
- (j) Other active recreational uses approved by the director.

(6) The requirements in SCC 30.34A.070(2) may be reduced by up to 50 percent for residential development that is located within one-quarter mile walking distance of a public park or public school containing a playground or outdoor recreational facilities. The director shall determine the amount of reduction based on the following:

- (a) The availability of safe pedestrian facilities connecting the development to the park and/or school;
 - (b) The ability of the park and/or school facilities to accommodate additional usage by residents of the development; and
 - (c) The number of parks and/or school facilities located within one-quarter mile distance.
- (7) Up to 50 percent of the required open space that is not dedicated to active recreation may be:
- (a) Located within on-site critical areas and their buffers;
 - (b) Unfenced detention, retention and wet ponds;
 - (c) Stormwater treatment wetlands;
 - (d) Stormwater infiltration trenches and bioswales; or
 - (e) Vegetated areas located above underground detention facilities.
- (8) Where a development abuts off-site permanent open space not dedicated to active recreation, native growth protection areas, critical areas and their buffers, or other mitigation areas not dedicated to active recreation, the development, on a square foot by square foot basis, may use these areas to reduce the developments required open space that is not dedicated to active recreation by no more than 25 percent.

Several amendments are proposed to address implementation issues. First, the requirement in subsection that 25 percent of the active space be located in a single tract is not possible in common ownership developments. An amendment is proposed to remove this requirement from subsection 3 and add a new subsection 4 which uses the phrase "...consolidated in one location...". Second, to address concerns with allowing the public on-site to a development during all hours of the day and night and amendment is proposed to remove this requirement. Third, amendments are proposed provide additional flexibility for those developments located near an existing park, permanent open space or critical area to count a portion of those facilities towards open space requirements. Lastly, an amendment is proposed to remove a requirement that allowed portions of sidewalks to be counted towards open space requirements due to concerns about maintenance.

SCC 30.34A.090 is proposed to be amended to read as follows:

30.34A.090 Design standard-signs.

((In addition to the sign requirements contained in chapter 30.27 SCC, requirements for development in the UC zone are as follows:

- ~~(1) Signs must fit with the overall architectural character, proportions, and details of the development;~~
 - ~~(2) The base of any freestanding, pole, ground or monument sign must be planted with shrubs or seasonal flowers;~~
 - ~~(3) Electronic reader boards and signs which include flashing, chasing, moving or animation are prohibited.~~
 - ~~(4) Freestanding or pole signs located along non-arterials may be permitted if they are approved under SCC 30.34A.180 and if they meet the following criteria:~~
 - ~~(a) No more than 15 feet in height;~~
 - ~~(b) Designed with two poles placed at the outermost sides of the sign face;~~
 - ~~(c) No more than 45 square feet in sign area per face; and~~
 - ~~(d) Constructed of materials matching one or more buildings located on the site.~~
 - ~~(5) Freestanding or pole signs located along freeways or principal arterials may be permitted if they are approved by the director and if they meet the following criteria:~~
 - ~~(a) No more than 35 feet in height;~~
 - ~~(b) Designed with two poles placed at the outermost sides of the sign face; and~~
 - ~~(c) No more than 150 square feet in sign area per face.~~
 - ~~(6) Signs for business identification or advertising of products must conform to the following:~~
 - ~~(a) Each business establishment may have no more than one business identification sign per building face and in no event more than two identification signs per establishment;~~
 - ~~(b) No business identification sign may have a surface area greater than 90 square feet per face;~~
 - ~~(c) Business identification signs must be attached to the principal building unless otherwise approved by the county in the sign design scheme. The uppermost portion of the sign may not extend more than five feet higher than the principal building at its highest point, subject further to the overall height regulations of this zone.~~
 - ~~(d) Signs which are an integral part of a window may occupy no more than 25 percent of the total window area.~~
 - ~~(e) Projecting signs or graphics, and their supportive members, may not project more than four feet outward from a building and may not be lower than eight feet above ground level.))~~
- Signs shall comply with the requirements of chapter 30.27 SCC.

The current sign regulations in chapter 30.34A SCC are relocated to chapter 30.27 SCC in an effort to group like regulations together, and they are replaced with a cross reference.

SCC 30.34A.095 is proposed to be added to read as follows:

30.34A.095 Design standard-Above grade parking structures.

Exterior architectural treatments for above grade parking structures and garage buildings, including individual garages for townhouses, shall complement or be integrated with the architecture of the building including, but not limited to:

- (a) Window openings;*
- (b) Plantings designed to grow on the façade;*
- (c) Louvers;*
- (d) Expanded metal panels;*
- (e) Decorative metal grills;*
- (f) Spandrel (opaque) glass; or*
- (g) Any other architectural detail that mitigates the presence of above ground parking structures, garage buildings or garage entrances.*

The new section is proposed for the parking structure design standards formerly include in SCC 30.34A.050. No major changes are proposed for the regulations.

SCC 30.34A.140 is proposed to be amended to read as follows:

30.34A.140 Design standard-ground level detail and transparency.

(1) Façades of ~~((commercial and mixed-use))~~ buildings that ~~((face the streets))~~ are oriented towards a public or private road must be designed to be pedestrian-friendly through the inclusion of at least three of the following elements:

- (a) kickplates for storefront windows;
- (b) projecting window sills;
- (c) pedestrian scale signs;
- ~~((d) canopies or awnings;))~~
- ~~((e))~~ (d) plinth;
- ~~((f))~~ (e) containers for seasonal plantings;
- ~~((g))~~ (f) ornamental tilework;
- ~~((h))~~ (g) pilasters;
- ~~((i))~~ (h) cornice;
- ~~((j))~~ (i) medallions; ~~((or))~~
- (j) porches or stoops with a minimum of 6 feet in depth;
- (k) decorative or textual building materials, including decorative masonry, shingle, brick, or stone;
- (m) lighting or hanging baskets supported by ornamental brackets; or
- ~~((k))~~ (n) an element not listed above that is approved by the director, if it reinforces the character of the streetscape and encourages active and engaging design of the pedestrian edge of the streetscape.

(2) Street-facing, ground-floor façades of commercial and mixed-use buildings must incorporate glass in storefront-like windows in sufficient type and quantity to produce the following quality and dimensions: clear, transparent glass must be incorporated in at least 40 percent of the ground level façade length and the bottom of such glass must be located no higher than 2 feet above grade and top of such glass must be located up to at least 10 feet above grade.

The current language did not account for a residential-only building as it only applies to commercial and mixed-use buildings. The proposed amendment will remove the applicability to commercial and mixed-use buildings. Other amendments are also proposed to add additional optional elements to recognize the section's broader applicability. These optional elements include porches and stoops, decorative or textual building materials, lighting and hanging baskets.

SCC 30.34A.150 is proposed to be amended to read as follows:

30.34A.150 Design standard-weather protection.

(1) Overhead weather protection elements such as canopies must be installed on the full length of street-facing façades ~~((along))~~ adjacent to public sidewalks on county arterials and ~~((streets))~~ road network elements intended for pedestrian activity and connectivity within the urban center.

Canopies or awnings must be a minimum of 5 feet in width.

(2) Canopies or awnings must be at least 10 feet, but not more than 13 feet, above the sidewalk.

Amendments are proposed to provide additional clarity on where weather protection is required.

SCC 30.34A.163 is proposed to be added to read as follows:

30.34A.163 Pre-application meeting.

(1) A pre-application meeting is required for all Urban Center development applications, except:

- (a) For minor development activities pursuant to SCC 30.34A.025; and
- (b) To expand an existing structure containing a permitted use pursuant to SCC 30.34A.026.

(2) The pre-application meeting shall be held prior to the pre-application design review board public meeting pursuant to 30.34A.165.

(3) The pre-application meeting shall be conducted pursuant to the provisions of SCC 30.70.020(2) through (5).

(4) An applicant shall pay the fees established in SCC 30.86.400(4).

(5) The department shall invite a staff representative from any city or town in whose urban growth area, municipal urban growth area (MUGA) or potential annexation area the proposed development will be located to attend the pre-application meeting.

The complexity of the Urban Center regulations necessitates the need to have a more formal conversation with applicants. In addition, the pre-application meeting allows PDS to charge a fee to recoup the costs associated with assisting applicants with the regulations.

SCC 30.34A.165 is proposed to be amended to read as follows:

30.34A.165 Pre-application ((neighborhood)) design review board public meeting.

~~(1) ((The applicant shall conduct a neighborhood meeting to discuss the proposed urban center development. The meeting must be held at least 30 days before submitting an urban center development application. A pre-application design review board public meeting is required for development applications in the UC zone prior to submittal except:~~

~~(a) For minor development activities pursuant to SCC 30.34A.025; and~~

~~(b) To expand an existing structure containing a permitted use pursuant to SCC 30.34A.026.~~

~~(2) The design review board established by SCC 30.34A.175 shall hold a public meeting to discuss the proposed development application.~~

~~((2)) (3) The purpose of the ((neighborhood)) design review board public meeting is to:~~

~~((a) Ensure that an applicant pursues early and effective public participation in conjunction with the application, giving the applicant an opportunity to understand and mitigate any real or perceived impacts that the proposed development might have to residents in the neighborhood or neighboring cities;))~~

~~((b)) (a) Ensure that neighborhood residents, cities, towns, special purpose districts (i.e. fire, police, water or sewer), agencies (federal or state), tribes and business owners have an opportunity at an early stage to ((learn about)) determine how the proposed development might ((affect)) impact them and to work with the applicant to resolve concerns prior to application submittal.~~

~~(b) Ensure effective public participation in conjunction with the proposed development. The meeting shall provide an early opportunity for the applicant to understand and mitigate impacts that the proposed development might have on residents in the neighborhood or neighboring cities.~~

~~((c) Ensure that any nearby cities have an opportunity at an early stage to learn about how the proposed development might affect them and to work with the applicant to resolve concerns prior to submittal.))~~

~~((3)) (4) The applicant is responsible for ((notifying, facilitating and summarizing)) providing notice for the ((neighborhood)) design review board public meeting pursuant to the following requirements:~~

~~(a) Public notice for the ((neighborhood)) design review board public meeting ((must)) shall include:~~

~~(i) Date, start time, and location of the meeting;~~

~~(ii) Proposed development name;~~

~~(iii) Map showing the location of the proposed development and the location of the ((neighborhood)) design review board public meeting;~~

~~(iv) Description of proposed development; and~~

~~(v) Name, address and phone number of the applicant or representative of the applicant to contact for additional information.~~

(b) Public notice ~~((must))~~ shall be mailed to the department at least 10 days prior to the ~~((neighborhood))~~ design review board public meeting and ~~((must))~~ shall, at a minimum, be mailed to:

(i) Each taxpayer of record and each known site address within 500 feet of any portion of the boundary of the subject property and contiguous property owned by the applicant; and

(ii) Any city or town whose municipal boundaries are within one mile of the subject property and contiguous property owned by the applicant.

(c) The department, upon request, shall provide the applicant with necessary names and addresses or mailing labels. The applicant shall reimburse the department for any costs associated with this request consistent with department procedures.

(d) The ~~((neighborhood))~~ design review board public meeting shall be held at a location accessible to the public and within a reasonable distance from the boundary of the proposed development.

(e) At a minimum the applicant shall provide at the ~~((neighborhood))~~ design review board public meeting:

(i) Conceptual ~~((graphic presentation))~~ site plan depicting the size, layout and design of the proposed development;

(ii) ~~((Size of the proposed development))~~ Photographs or illustrations depicting the style of architecture for the proposed buildings;

(iii) Proposed mix of land uses including the number of dwelling units and the amount of non-residential square footage;

(iv) Proposed building heights and FAR;

(v) Number of parking spaces; and

(vi) Location and amount of open space.

~~((f) The applicant shall prepare a written summary of meeting to be included with the urban center development application, including:~~

~~— (i) A copy of the notice of the neighborhood meeting along with a list of persons to whom it was mailed;~~

~~— (ii) A signed affidavit listing the persons who attended the meeting and their addresses; and~~

~~— (iii) A signed affidavit listing the summary of concerns, issues, and problems expressed during the meeting.)~~

~~((4))~~ (5) ((County staff is not required to attend the meeting.)) The design review board shall provide recommendations to the applicant regarding potential modifications to the project, such as:

(a) Scale;

(b) Density;

(c) Design;

(d) Building mass;

(e) Circulation within the development;

(f) Access to adjacent properties and neighborhoods;

(g) Access to transit from the development; and

(h) Proposed uses.

~~((5) If no one attends the meeting within 30 minutes of the start time indicated on the notice provided per this section, the applicant shall have satisfied the requirements of this section.)~~

Proposed amendments to the application review process necessitate changes to the neighborhood meeting process. The meeting is renamed to the “pre-application design review board public meeting” and the board will serve as the host. The board will serve as a conduit for initial public comments and provide early design guidance to the applicant. Other proposed amendments exempt minor development activities and expansions of existing structures from the requirement to hold a design review board public meeting because such minor activities do not necessitate an enhanced level of public participation.

SCC 30.34A.170 is proposed to be amended to read as follows:

30.34A.170 ((-)) Submittal requirements.

- ~~((1) An urban center development plan must contain, at a minimum, the following:~~
- ~~— (a) A graphic presentation depicting:~~
 - ~~— (i) Conceptual graphic presentation depicting the layout and design of the proposed development;~~
 - ~~— (ii) Size of the proposed development;~~
 - ~~— (iii) Proposed mix of land uses including the number of dwelling units and the amount of non-residential square footage;~~
 - ~~— (iv) Proposed building heights and FAR;~~
 - ~~— (v) Number of parking spaces; and~~
 - ~~— (vi) Location and amount of open space;~~
 - ~~— (vii) The location of existing structures to be retained, proposed structures, parking, internal circulation required pursuant to chapter 30.24 SCC, landscape areas required pursuant to chapter 30.25 SCC, recreation open space, pedestrian facilities, and other applicable design components required by this chapter, including any design standards selected by the applicant for compliance with the provisions of chapter 30.34A SCC;~~
 - ~~— (b) A detailed description of the design intent, architectural character and spatial qualities and relationships of and between the major structures and physical amenities and attributes within the Urban Center;~~
 - ~~— (c) A preliminary LEED checklist or other similar means of demonstrating sustainable design goals;~~
 - ~~— (d) A narrative description, together with either architectural drawings or photographs that will adequately demonstrate compliance with any required architectural design standard of chapter 30.34A SCC, where applicable;~~
 - ~~— (e) The location of building envelopes of all structures, and points of egress;~~
 - ~~— (f) Existing and proposed topography at contour intervals of five or less feet;~~
 - ~~— (g) The names and addresses of the developer, land surveyor, engineer, architect, planner, and other professionals involved;~~
 - ~~— (h) Calculations showing acreage of the site and recreational open space, number of dwelling units proposed, zoning, FAR, number of parking spaces and site density;~~
 - ~~— (i) Scale and north arrow;~~
 - ~~— (j) Vicinity sketch (drawn to approximately 1" = 2,000' scale) showing sufficient area and detail to clearly locate the development in relation to arterial streets, natural features, landmarks, and municipal boundaries;~~
 - ~~— (k) Natural drainage courses and probable alterations which will be necessary to handle the expected drainage from the proposal, and the general method proposed to comply with chapter 30.63A SCC;~~
 - ~~— (l) A description of intended type of uses including timing of development, if phased, and management control;~~
 - ~~— (m) A document satisfactorily assuring unified control through the final urban center development plan approval;~~
 - ~~— (n) A provision for removing existing structures or incorporating them into the overall development scheme; and~~
 - ~~— (o) A signed affidavit that includes a written summary of the pre-application neighborhood meeting pursuant to SCC 30.34A.165(3)(f).~~
- ~~(2) The applicant for a proposed development in a UC zone must certify that, in addition to the direct involvement of an architect licensed in the state of Washington, one of the following has been involved with the preparation of the urban center development plan:~~
- ~~— (a) A landscape architect licensed in the state of Washington;~~
 - ~~— (b) A registered civil engineer licensed in the state of Washington; or~~
 - ~~— (c) A registered land surveyor licensed in the state of Washington.~~
- ~~(3) A circulation, landscape and open space plan must be submitted which includes the following requirements:~~

- ~~— (a) A narrative containing:~~
 - ~~— (i) A list of the types of plants to be incorporated in a final landscape plan;~~
 - ~~— (ii) Assessment of whether temporary or permanent irrigation is required;~~
 - ~~— (iii) How potential off-site pedestrian connections relate to the development and all abutting properties; and~~
 - ~~— (iv) How potential off-site public and private road right-of-way connections relate to the development and all abutting properties;~~
 - ~~— (v) How potential critical areas and/or designated open space tracts on abutting properties will be integrated into the development.~~
- ~~— (b) A site plan containing:~~
 - ~~— (i) Location of parking lot landscaping;~~
 - ~~— (ii) Location of proposed and existing landscaping areas;~~
 - ~~— (iii) Information indicating the size of required landscape buffers and whether such buffers use Type A or B landscaping;~~
 - ~~— (iv) Critical areas and their buffers including any extending into abutting properties;~~
 - ~~— (v) Active recreation space including plazas and public realm elements;~~
 - ~~— (vi) All internal roads and drive aisles;~~
 - ~~— (vii) All internal pedestrian walkways, sidewalks and trails;~~
 - ~~— (viii) Designation of all potential off-site pedestrian connections; and~~
 - ~~— (ix) Designation of all potential off-site public and private road right-of-way connections.~~
- ~~— (4) Illustrations representing the design intent and architectural character for the urban center, including:~~
 - ~~— (a) Overall massing;~~
 - ~~— (b) General architectural character of buildings indicating color and material range;~~
 - ~~— (c) General character of open spaces, including exterior site lighting.~~
- ~~— (5) A shared parking allocation plan showing all the shared parking must be submitted when shared parking is proposed.~~
- ~~— (6) A complete application for urban center approval meeting requirements of this section is deemed to have vested to the zoning code, development standards and regulations as of the date of submittal.~~
- ~~— (7) A plan for the phasing, if any, of the on-site recreation required in SCC 30.34A.070 and pedestrian circulation required in SCC 30.34A.080. Such recreation and pedestrian circulation facilities shall be installed with the completion of the first building or first phase of the development if the overall development is to be phased unless the applicant demonstrates that site characteristics or constraints make compliance impractical in which case such improvements shall be installed in compliance with any timing requirements set forth in the terms and conditions of the urban center approval.~~
 - (1) All applications in the UC zone shall comply with the Urban Center development submittal checklist established by the department pursuant to SCC 30.70.030.
 - (2) The department shall invite a staff representative from any city or town in whose urban growth area, municipal urban growth area or potential annexation area the proposed development will be located to attend the application submittal meeting.
 - (3) A complete application meeting the requirements of this chapter is deemed to have vested to the development regulations as of the date of submittal.

Currently, a code amendment is required should the county wish to change a submittal requirement. This is a costly and time consuming process. An amendment is proposed to delete the detailed submittal requirements and replace them with a general statement about complying with a submittal checklist developed by the department. The current submittal checklist for urban center developments will be reviewed and amended as necessary and will require a public comment period pursuant to SCC 30.70.030.

SCC 30.34A.180 is proposed to be amended to read as follows:

30.34A.180 Review processes ((and decision criteria)).

~~((1) Development Agreement Process: Approval under this subsection shall be as follows:~~

~~—(a) Upon submittal of a complete application meeting the requirements of SCC 30.34A.170, the applicant shall immediately initiate negotiations of one agreement with the city or town in whose urban growth area or MUGA the proposed development will be located and any city or town whose municipal boundaries border the proposed urban center development site.~~

~~—(i) The parties shall have forty-five (45) days to reach an agreement on elements of the urban center development such as design, location, density or other aspects of the proposed development. The agreement must be consistent with Snohomish County development regulations.~~

~~—(ii) If the parties cannot reach agreement within forty-five (45) days, the parties may mutually agree in writing to extend the deadline.~~

~~—(iii) If the parties cannot reach agreement and do not agree to an extension, the applicant shall notify the department in writing and the application shall be reviewed as a Type 2 process under subsection (2) of this section.~~

~~—(iv) Any party may withdraw from negotiations at any time and any party may decide that an agreement is not possible; the applicant shall notify the department in writing of the withdrawal and the application shall be reviewed as a Type 2 process under subsection (2) of this section.~~

~~—(v) If the parties reach agreement, the agreement shall be memorialized in writing and submitted to the department. The department shall review the agreement for consistency with the Snohomish County Code.~~

~~—(b) Following review of the agreement reached under subsection (1)(a) of this section, the department shall negotiate a development agreement with the applicant and process the application under chapter 30.75 SCC. If the department and the applicant cannot reach agreement on a development agreement, the applicant may choose to have the application reviewed under subsection (2) of this section.~~

~~—(2) Type 2 Permit Decision Process: If any party withdraws from the negotiation of an agreement under subsection (1)(a) above, the forty-five (45) day period expires without the parties agreeing to an extension, or if the department and applicant cannot reach agreement for a development agreement, the application shall be reviewed as follows:~~

~~—(a) The design review board established by SCC 30.34A.175 shall hold one open public meeting with urban center project applicants, county staff, neighbors to the project, members of the public, and any city or town whose municipal boundaries are within one mile of the proposed urban center development or whose urban growth area includes the subject site or whose public utilities or services would be used by the proposed urban center development to review and discuss proposed site plans and project design.~~

~~—(b) Following the public meeting held pursuant to subsection (2)(a) of this section, the design review board shall provide written recommendations to the department and the applicant on potential modifications regarding the project, such as: scale, density, design, building mass and proposed uses of the project. The recommendations shall become part of the project application and they should:~~

~~—(i) Synthesize community input on design concerns and provide early design guidance to the development team and community; and~~

~~—(ii) Ensure fair and consistent application of the design standards of this chapter and any neighborhood-specific design guidelines.~~

~~—(c) The urban center development application shall then be processed as a Type 2 application as described in chapter 30.72 SCC and the hearing examiner may approve or approve with conditions the proposed development when all the following are met:~~

~~—(i) The development complies with the requirements in this chapter, chapters 30.24 and 30.25 SCC, and requirements of other applicable county code provisions;~~

~~—(ii) The proposal is consistent with the comprehensive plan;~~

~~—(iii) The proposal will not be materially detrimental to uses or property in the immediate vicinity;~~

~~and~~

- ~~— (iv) The development demonstrates high quality design by incorporating elements such as:~~
 - ~~— (A) Superior pedestrian and transit-oriented architecture;~~
 - ~~— (B) Building massing or orientation that responds to site conditions;~~
 - ~~— (C) Use of structural articulation to reduce bulk and scale impacts of the development;~~
 - ~~— (D) Use of complementary materials; and~~
 - ~~— (E) Use of lighting, landscaping, street furniture, public art, and open space to achieve an integrated design;~~
- ~~— (v) The development features high density residential and/or non-residential uses;~~
- ~~— (vi) Buildings and site features are arranged, designed, and oriented to facilitate pedestrian access, to limit conflict between pedestrians and vehicles, and to provide transit linkages; and~~
- ~~— (vii) Any urban center development abutting a shoreline of the State as defined in RCW 90.58.030(2)(c) and SCC 30.91S.250 shall provide for public access to the water and shoreline consistent with the goals, policies and regulations of the Snohomish County Shoreline Management Master Program.~~
- ~~— (d) Whenever an urban center development application is reviewed as a Type 2 permit decision process under subsection (2) of this section, the county shall involve the cities or towns in the review of urban center development permit applications proposed within their urban growth area or MUGA or whose municipal boundaries border the proposed urban center development site using the following procedures:~~
 - ~~— (i) The county shall notify any such city or town and provide contact information for the applicant;~~
 - ~~— (ii) Following notice the relevant city(ies) or town(s) shall contact the county on their need for level of involvement and issues of particular concern;~~
 - ~~— (iii) The county shall invite a staff representative from any city or town who contacts the county pursuant to subsection (2)(d)(ii) of this section to attend pre-application, submittal and re-submittal meetings;~~
 - ~~— (iv) The city's or town's recommendation shall:~~
 - ~~— (A) Contain the name, mailing address, and daytime telephone number of the city's or town's representative;~~
 - ~~— (B) Identify proposed changes to the application, specific requirements, actions, and/or conditions that are recommended in response to impacts identified by the city or town;~~
 - ~~— (C) State the specific grounds upon which the recommendation is made; and~~
 - ~~— (D) Where applicable, identify and provide documentation of the newly-discovered information material to the decision.~~
 - ~~— (v) The county shall respond to a city's or town's comments and recommendations in its final decision reached pursuant to this section.~~
- ~~— (e) An applicant may sign a concomitant agreement in a form approved by the county. The concomitant agreement shall reference the required conditions of approval, including the site plan, design elements and all other conditions of project approval. The concomitant agreement shall be recorded, run with the land, and shall be binding on the owners, heirs, assigns, or successors of the property.~~
- ~~— (f) The hearing examiner may deny an urban center development application without prejudice pursuant to SCC 30.72.060. If denied without prejudice, the application may be reactivated under the original project number and without additional filing fees or loss of project vesting if a revised application is submitted within six months of the date of the hearing examiner's decision. In all other cases a new application shall be required.~~
- ~~— (3) All urban center development applications shall be subject to the following requirements:~~
 - ~~— (a) In addition to the notice required by chapter 30.70 SCC and subsection (2)(d)(i) of this section, the department shall distribute copies of the urban center development application to each of the following agencies and shall allow 21 days from the date of published notice for the agencies to submit comments on the proposal:~~
 - ~~— (i) Snohomish Health District;~~
 - ~~— (ii) Department of public works;~~
 - ~~— (iii) Washington State Department of Transportation; and~~

~~—(iv) Any other federal, state, or local agencies as may be relevant.~~

~~—(b) Any revision which substantially alters the approved site plan is no longer vested and re-submittal of a complete application is required pursuant to SCC 30.34A.170. Revisions not requiring re-submittal are vested to the regulations in place as of the date the original application was submitted. Revisions after approval of the development which cause an increase in traffic generated by the proposed development shall be reviewed pursuant to SCC 30.66B.075.~~

~~—(c) Urban center project approval expires after six years from the date of approval unless a complete application for construction of a project or for installation of the main roads and utilities has been submitted to the department.))~~

This section establishes the review processes to be utilized for any development application subject to the requirements of this chapter.

(1) The following applications shall be reviewed pursuant to chapter 30.71 SCC:

(a) Minor development activities pursuant to SCC 30.34A.025; and

(b) The expansion of an existing structure containing a permitted use pursuant to SCC 30.34A.026.

(2) Development applications not meeting SCC 30.34A.180(1) shall be reviewed pursuant to chapter 30.72 SCC, except as follows:

(a) Following the public comment period, at least one meeting shall be held to review comments on the development application. This meeting shall include the:

- (i) Department;
- (ii) Applicant; and
- (iii) City or town in whose urban growth area or MUGA the proposed development will be located and any city or town whose municipal boundaries border the proposed urban center development application.

(b) The city and/or town and applicant may mutually agree in writing to waive the one meeting requirement in SCC 30.34A.180(2)(a).

(c) Any changes agreed to by the department, city and/or town and applicant shall be:

- (i) Consistent with county code;
- (i) Incorporated into the design of the development; and
- (ii) Incorporated into the staff recommendation as conditions on the development.

(d) Applications that include low-income housing shall be given priority for expedited plan review as authorized in SCC 30.76.020 and SCC 30.76.030.

PDS has received feedback from prospective applicants and property owners within with UC zone that the current review process presents challenges to developing with the zone. One of these challenges is a lack of predictability which hinders financing for new projects. Another challenge is that current process does not distinguish between the sizes of a project, treating all projects the same.

A new review process is proposed that is more predictable for applicants, provides a reasonable role for cities and towns, incorporates opportunities for public comment and is simple and straightforward for staff to administer. Under the proposed review process, minor development activities and expansions of existing structures would be approved administratively. All other development would be approved by the hearing examiner. These “other” developments would be required to hold a pre-application design review board public meeting to gather input from interested stakeholders and receive guidance from the design board. In addition, these “other” developments would be required to hold at least one meeting with the department, a city and/or town, and the applicant to review and incorporate public comments into the design of the proposed development.

SCC 30.34A.183 is proposed to be added to read as follows:

30.34A.183 Approval expiration.

Urban center development approval expires when construction has not commenced within five years after the date an approved administrative site plan becomes final. For the purpose of this

section, "construction" means actual construction begun on some permanent structure, utility or facility on the site. An applicant may request an extension of an approved administrative site plan pursuant to the procedures established for extension of applications in SCC 30.70.140(2) and (3).

A new section is proposed to relocate existing language from SCC 30.34A.180 pertaining to expiration of an urban center development application. The current language is further modified to clarify what constitutes "construction."

SCC 30.34A.185 is proposed to be added to read as follows:

30.34A.185 Revisions to an approved urban center development.

(1) *Revisions to an approved urban center development shall be processed pursuant to the following:*

- (a) *To be considered a minor revision the following criteria shall be satisfied:*
 - (i) *No impact to critical areas and required buffers;*
 - (ii) *No more than a 10% increase in trip generation;*
 - (iii) *No change in the locations of any points of ingress and egress to the site that results in a change in trip distribution;*
 - (iv) *No more than a 10% percent increase in the overall residential density, unit count, gross floor area, lot coverage or impervious surface of a site;*
 - (v) *No change in the boundary that increases the area of the project;*
 - (vi) *No changes to any conditions of approval;*
 - (vii) *Does not have an adverse effect on the phasing of public improvements; and*
 - (viii) *No more than a 10% reduction in designated open space.*
- (b) *The final determination of what constitutes a minor revision shall be made by the director.*
- (c) *Any change which does not meet the criteria in SCC 30.34A.185(1)(a) shall be treated as a new application for purposes of vesting and transportation concurrency. The new application shall conform to the development regulations which are in effect at the time the new application is submitted.*
- (d) *An application for a minor revision permitted under SCC 30.34A.185(1)(a) shall be submitted on forms approved by the department. Minor revision applications shall be accompanied by any fees specified in chapter 30.86 SCC.*
- (e) *Minor revisions shall be approved pursuant to chapter 30.71 SCC.*
- (f) *Notice of the application shall be provided pursuant to chapter 30.70 SCC.*
- (g) *The director shall grant approval to the proposed revision if it is determined that the revision does not substantially alter:*
 - (i) *The previous approval of the development application;*
 - (ii) *The final conditions of approval; and*
 - (iii) *The public health, safety and welfare.*
- (h) *A minor revision does not extend the life or term of the development application approval, which shall run from the original date of approval*

(2) *Development in the UC zone in which a concomitant agreement was entered into shall follow the procedures for revisions as outlined in the concomitant agreement.*

A new section is proposed that relocates existing language on revisions to approved Urban Center development applications. The current language is further modified to better articulate the difference between a minor revision and a new application. The language is also added to maintain consistency with another current proposed code development ordinance that addresses revisions to preliminary approved subdivisions and short subdivisions.

SCC 30.34B.010 is proposed to be amended to read as follows:

30.43B.010 Purpose and applicability.

The purpose of this chapter is to set forth the procedures and decision criteria for reviewing variance applications. A variance is the mechanism by which an adjustment is made to specific regulations being applied to a particular piece of property. This chapter applies to applications for variances to any development standard contained in subtitle 30.2 SCC, chapters 30.31A - 30.31F SCC, chapter 30.34A SCC, chapter 30.42B SCC and chapter 30.42E SCC. A variance shall not permit uses that are prohibited by this title.

An amendment is proposed to correct an oversight in the initial adoption of the Urban Center development to regulations that prevented an urban center development application from requesting a variance.

SCC 30.71.020 is proposed to be amended to read as follows:

30.71.020 Type 1 permits and decisions.

The following are processed as Type 1 administrative decisions:

- (1) Administrative conditional use permit;*
- (2) Binding site plan approval;*
- (3) Boundary line adjustment, except as provided in 30.41E.020 SCC;*
- (4) Building and land disturbing activity permits subject to SEPA review pursuant to chapter 30.61 SCC, or subject to conditions imposed pursuant to chapter 30.32D;*
- (5) Free standing signs in the FS and RFS zones;*
- (6) Code interpretations;*
- (7) Flood hazard permit, except as provided in SCC 30.43C.020;*
- (8) Flood hazard variance;*
- (9) Freeway service zone official site plan (existing FS zone);*
- (10) Shoreline substantial development permit, shoreline conditional use, and shoreline variance, except when processed as a Type 2 decision pursuant to SCC 30.44.210;*
- (11) Short subdivision approval with no dedication of a new public road right-of-way;*
- (12) Variance;*
- (13) Single family detached units applications pursuant to chapter 30.41F SCC; ((and))*
- (14) Administrative site plan pursuant to SCC 30.23A.100 (-); and*
- (15) Minor development activities and the expansion of an existing structure containing a permitted use in the UC zone as provided in SCC 30.34A.180(1).*

The current regulations are proposed to be amended to be consistent with the proposed changes to the review process in SCC 30.34A.180.

SCC 30.72.020 is proposed to be amended to read as follows:

30.72.020 Type 2 permits and decisions.

The following are processed as Type 2 permits and decisions:

- (1) Conditional use permit and major revisions;*
- (2) Rezones (site-specific);*
- (3) Official site plan or preliminary plan approval when combined with a rezone request in FS, IP, BP, PCB, T, RB, RFS, and RI zones;*
- (4) Flood hazard area variance, if combined with a Type 2 application;*
- (5) Preliminary subdivision approval and major revisions;*
- (6) Planned residential developments;*
- (7) Short subdivision with dedication of a new public road;*
- (8) Shoreline substantial development, conditional use, or variance permit if forwarded pursuant*

to SCC 30.44.210 ((-)) :

(9) Shoreline substantial development permit rescission pursuant to SCC 30.44.320;

(10) Boundary line adjustments as provided in SCC 30.41E.020; and ((-))

(11) ~~((Urban center developments))~~ Development applications in the UC zone as provided in SCC 30.34A.180(2).

The current regulations are proposed to be amended to be consistent with the proposed changes to the review process in SCC 30.34A.180.

SCC 30.91B.222 is proposed to be added to read as follows:

30.91B.222 Building area, net.

"Building area, net" ("Net building area") means the total square feet of floor space in a building, excluding areas below finished grade, space dedicated to parking, mechanical spaces, elevator and stair shafts, lobbies and common spaces including atriums.

This definition applies only to urban center regulations in chapter 30.34A SCC.

A new definition is proposed to be added to define terms that are part of the revised definition for floor area ratio.

SCC 30.91F.445 is proposed to be amended to read as follows:

30.91F.445 Floor area ratio.

"Floor Area Ratio" means the ~~((total building square footage (building area),))~~ net building area ~~((measured to the inside face of exterior walls, excluding))~~ divided by the net site area ~~((areas below finished grade, space dedicated to parking, mechanical spaces, elevator and stair shafts, lobbies and commons spaces including atriums and space used for any bonus features, divided by the site square footage (site area)).~~

Floor Area Ratio = ~~((Building area))~~ Net building area / ~~((Site area))~~ Net site area

The current definition creates unintended consequences for sites constrained by a critical area. The current definition relies on gross site area. If the majority of the site contains critical areas it may be difficult to build the minimum required FAR. The definition is proposed to be amended to use net site area which will provide additional flexibility.

SCC 30.91H.108 is proposed to be added to read as follows:

30.91H.108 High capacity transit.

"High capacity transit" means any transit technology that functions to carry high volumes of passengers quickly and efficiently, and preferably on exclusive or semi-exclusive rights-of-way, such as bus rapid transit, light rail, commuter rail, and passenger-only ferries.

A new definition is proposed as the term is added to chapter 30.34A SCC.

SCC 30.91M.020 is proposed to be amended to read as follows:

30.91M.020 Major transit corridor.

"Major transit corridor" means an arterial street with existing bus stops and sidewalks served by more than one bi-directional bus route with high frequency local service of at least 25 trips per day ((and all-day regional bus service)).

An amendment is proposed to maintain consistency with the terminology use in the comprehensive plan. The phrase "all day regional bus service" is not used by area transit providers.

SCC 30.91M.135 is proposed to be repealed.

The current definition of "mixed use" is inconsistent with language in SCC 30.34A.030 and its retention is no longer needed. The definition is proposed to be repealed.

SCC 30.91N.050 is proposed to be amended to read as follows:

30.91N.050 *Nonconforming structure.*

"Nonconforming structure" means a structure which was lawful when established which does not now conform to the setback, height, or lot coverage ((~~or open space~~)) requirements of the zone in which it is located.

An unintended consequence of rezoning properties to the UC zone was that all existing structures became nonconforming due to the current definition. The current definition includes open space in the list of regulations. Much of the areas zoned UC contain commercial and industrial structures that are not required by code to provide open space. In addition, the open space requirements for the UC zone were not intended to be applied to existing structures. As a result, the proposed amendment would remove open space from the list of regulations that define a nonconforming structure.

SCC 30.91P.128 is proposed to be added to read as follows:

30.91P.128 *Pedestrian oriented.*

"Pedestrian oriented" means an emphasis primarily on the street sidewalk and on pedestrian access to the site and building(s), rather than on auto access and parking lots.

A new definition is proposed as the term is added to chapter 30.34A SCC.

SCC 30.91P.340 is proposed to be repealed:

The definition of "program" is related to the Urban Center demonstration program that is no longer effective and its retention is no longer needed.

SCC 30.91S.355 is proposed to be added to read as follows:

30.91S.355 *Site area, net.*

"Site area, net" ("Net site area") means the gross area of a site in square feet excluding critical areas and required buffers, open retention and detention ponds, other areas required for public use and all road network elements, except driveways.

This definition applies only to urban center regulations in chapter 30.34A SCC.

A new definition is proposed to be added to define terms that are part of the revised definition for floor area ratio.

SCC 30.91T.070 is proposed to be amended to read as follows:

30.91T.070 *Transit center.*

"Transit center" means a dedicated transit facility located outside of the public right-of-way where several transit routes converge. A transit center is designed to accommodate several buses at once to permit users easy transfer between transit routes. ((A transit center may provide transit passenger shelters and waiting areas, but does not include spaces for transit passengers' automobile parking.))

An amendment is proposed to maintain consistency with terminology used in the comprehensive plan and its use by transit providers.

SCC 30.91T.072 is proposed to be added to read as follows:

30.91T.072 *Transit oriented.*

"Transit oriented" means an emphasis primarily on access to transportation, and often incorporating features that encourage pedestrian activity and transit ridership.

A new definition is proposed as the term is added to chapter 30.34A SCC.

Compliance with State Law and Snohomish County Comprehensive Plan

Growth Management Act (GMA) Planning Goals

The GMA planning goals adopted in RCW 36.70A.020 guide the development and adoption of comprehensive plans and development regulations. The goals are not priority listed. The GMA goals guide the policies in the Growth Management Act Comprehensive Plan General Policy Plan (GMACP-GPP) and the development regulations that are required by RCW 36.70A.130(1)(d) to be consistent with those policies. The regulations proposed by this ordinance are reasonably related to and necessary for the advancement of the following GMA goals:

- GMA Goal 7—"Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability." The proposed amendments will provide greater predictability by streamlining the review process and cleaning up ambiguous code language.
- GMA Goal 10—"Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water." The proposed amendments will protect the environment by encouraging high density-intensity development near transit service which will reduce vehicle miles travelled.
- GMA Goal 11—"Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts." The proposed amendments will ensure that the public is afforded an early opportunity to provide comments on a development application.

GMACP - GPP

The proposal complies with the Snohomish County GMACP-GPP, which sets forth the following goals, objectives, and policies related to the proposed regulations.

Objective LU 4.A Establish and implement specific design guidelines for mixed use areas -
Urban Centers and Urban Villages.

Policy LU 4.B.1

The county shall work with neighboring cities, architects, builders and others to establish a design review process, innovative and flexible design guidelines, development regulations, and incentives for the development of Urban Centers and Urban Villages, consistent with the urban design policies of the GPP and utilizing reports referenced in the introduction to Goal LU 4. Where appropriate, the design review process may include an administrative design review panel composed of qualified design professionals to review and make recommendations on design guidelines, development regulations and incentives.

Policy LU 4.B.2

The county shall explore and consider design guidelines for urban centers and villages that achieve the following objectives:

- (a) Centers that are visible and accessible to pedestrians from the streets and clearly defined through lighting, landscaping, street furniture, landmarks, changes in land use, and/or open space.
- (b) The design of new buildings that result in the creation of quality pedestrian spaces and that are compatible with planned architectural scale, massing, building orientation, height, articulation, and materials.
- (c) Open spaces that are incorporated into the design of centers and situated in a manner that complements other land uses.
- (d) Where increased density housing is proposed, the height, scale, design and architectural character of the proposed units is compatible with the character of buildings in the surrounding area and may require taller buildings to be located in the core of the Village or Center, or at an edge adjacent to non-residential uses, with heights stepping down towards existing lower density housing.
- (e) High quality developments and a mix of housing and commercial uses that allows for the use of creative and innovative design and fosters joint development strategies.
- (f) Building setbacks that create public spaces with visual interest.
- (g) Off-street parking that is within structures or underground, where feasible. Where underground parking or structures are not feasible, off-street surface parking within a center should be located at the sides or the rear of buildings and well landscaped to reduce the visual impact of large parking areas. Surface parking in front of a building (between the building and the street) should be avoided, whenever possible.
- (h) Shared parking among various land uses and provision of bicycle parking.
- (i) Centers that are connected with nearby residential, parks, schools and employment areas by well-landscaped and barrier-free pedestrian, bicycle, and transit linkages (see also transportation element).
- (j) Well designed urban centers and urban villages that are sensitive to natural and cultural resources so as to preserve them.
- (k) Emphasis shall be placed on the public realm, which may include parks, plazas, play area and trails, such that they create a sense of place within centers.
- (l) Consideration of design guidelines should include consideration of costs and impacts on affordable housing.

Policy LU 4.B.3

The county recognizes the importance of the implementation of specific design guidelines for mixed use areas in urban centers and urban villages

to the cities in whose MUGA they are constructed. The development regulations which implement the urban centers and urban village mixed use areas shall include mechanisms for city participation in the review of urban center development permit applications.

If cities with urban centers situated within their respective MUGAs develop recommendations to provide design guidance to property owners, surrounding neighborhoods and development interests for those urban centers situated within their MUGAs, the county may consider and incorporate some or all of the cities' recommendations in the county's development regulations for Urban Centers and Urban Villages.

Policy LU 4.B.4

The county shall encourage high-quality architectural and landscape design that features northwest materials and forms for all new development at the county Cathcart site. This will be accomplished through a) the creation of building and site design standards and/or guidelines addressing both residential and commercial development, and b) their enforcement through design review processes specified within the lease and purchase agreements with all development partners at the site. Principles of sustainability and "green" building as set forth in Leadership in Energy and Environmental Design (LEED) certification will be included within these standards/guidelines.

Goal ED 2

Provide a planning and regulatory environment which facilitates growth of the local economy.

Objective ED 2.A

Develop and maintain a regulatory system that is fair, understandable, coordinated and timely.

Policy ED 2.A.1

Snohomish County shall ensure that revisions to the Snohomish County Code result in a more understandable, accessible, and user friendly document which eliminates unnecessary and clarifies confusing code provisions.

Ordinance

The attached draft ordinance is approved as to form by the Snohomish County Prosecuting Attorney's Office.

Constitutional Issues

Potential constitutional issues related to the regulations proposed by this ordinance were considered. The proposed regulations will not result in a permanent or temporary physical occupation of private property. They would not deprive affected property owners of all economically viable uses of their properties. The proposed regulations will not deny or substantially diminish a fundamental attribute of property ownership. They will not require a property owner to dedicate a portion of property or to grant an easement and will not have a severe impact on the property owners' economic interests. The proposed regulations benefit the health, safety, and welfare of the general public, and do not benefit any particular person or class of persons.

Environmental Review

A State Environmental Policy Act (SEPA) threshold determination is required for the proposed amendments. A SEPA Determination of Nonsignificance (DNS) will be issued on September 10, 2012.

Notification of State Agencies

Pursuant to RCW 36.70A.106, a notice of intent to adopt the proposed regulations and standards will be transmitted on August 31, 2012 to the Washington State Department of Commerce for distribution to state agencies.

Recommendation

The Department of Planning and Development Services (PDS) recommends approval of the attached ordinance.

Attachments

Attachment 1 RELATING TO THE URBAN CENTER ZONE AND RELATED FEES FOR PRE-APPLICATION MEETINGS, AMENDING CHAPTERS 30.21, 30.22, 30.25, 30.26, 30.27, 30.28, 30.34A, 30.43B, 30.71, 30.72, 30.91B, 30.91F, 30.91H, 30.91M, 30.91N, 30.91P, 30.91S, AND 30.91T OF THE SNOHOMISH COUNTY CODE AND REPEALING SCC 30.91M.135 AND 30.91P.340

CC: Brian Parry, Executive Director
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 Will Hall, AICP, Legislative Analyst, Council